

THE NEW YORK STATE GREENNY COUNCIL
BYLAWS

Article I. NAME AND AUTHORITY

The GreenNY Council is established pursuant to Executive Order No. 22, signed by Governor Hochul on September 20, 2022.

Article II. MEMBERS OF THE GREENNY COUNCIL

(a) The GreenNY Council ("Council") shall consist of twelve (12) voting members: the Director of the Budget; the Commissioner of Environmental Conservation; the Commissioner of Economic Development; the Commissioner of Transportation; the Commissioner of Health; the Commissioner of General Services; the Commissioner of Parks, Recreation, and Historic Preservation; the President of the Environmental Facilities Corporation; the President of the New York State Energy Research and Development Authority; the President of the New York Power Authority; the President of the Dormitory Authority of the State of New York; and the Chief Executive Officer of the Metropolitan Transportation Authority (collectively the "Members").

(b) Members of the Council described in section (a) above may designate a staff representative, and an alternate, to participate on the Council on their behalf. Such designation should be made in advance and in writing to the co-chairs.

Article III. COUNCIL CO-CHAIRS

(a) The President of the New York State Energy Research and Development Authority (NYSERDA), the President of the New York Power Authority (NYPA); the Commissioner of General Services (OGS), the Director of the Budget (DOB), and the Commissioner of Environmental Conservation (DEC), or their designees, shall serve as the co-chairs of the GreenNY Council. The co-chairs shall be responsible for presiding over the meetings of the Council and the administration of its affairs.

(b) The day-to-day work of the Council shall be performed by executive and program staff of these leadership agencies and authorities, in consultation with any other agency or authority staff that participate in Council work.

Article IV. POWERS AND DUTIES

(a) The Council shall have the powers and duties set forth in Executive Order No. 22 of 2022 (EO 22), including being the primary body responsible for implementing EO 22.

Article V. ADVISORY GROUPS

(a) The purpose of an Advisory Group is to provide the Council with specific expertise, advice, and assistance in carrying out its functions. Advisory Groups shall be made up of executive and program staff from Member agencies and authorities or from other interested agencies or authorities. Other experts or stakeholders may be invited to speak or consult with an Advisory Group.

(b) There shall be three standing Advisory Groups: (1) Procurement; (2) Operations and Engagement; and (3) Reporting. These Advisory Groups may form smaller Workgroups to focus on a specific issue or project. The chairs of the Advisory Groups shall be determined by the Council co-chairs.

(c) The Council may form other ad hoc Advisory Groups as it sees fit.

Article VI. MEETINGS

(a) Meetings of the Council shall be called by the co-chairs and shall be held at least every quarter during a calendar year to conduct public business.

(b) Whenever possible, the co-chairs shall provide the Council with written notice at least seven (7) days prior to each meeting of the time and place of such meeting. Co-chairs shall provide the Members, as far in advance as practicable, such background information and materials to be discussed at a meeting as the co-chairs determine may be necessary for informed discussion and action at the meeting.

(c) The co-chairs shall furnish public notice of all meetings in accordance with the requirements of Article 7 of the NYS Public Officers Law. Meetings of the Council shall be open to the public pursuant to the provisions of such law.

(d) For the purposes of transacting business at a Council meeting, a quorum shall be seven (7) Members, or their designees. No action (other than a motion to adjourn) may be taken by the Council in the absence of a quorum. All action taken by the Council shall require the affirmative vote of the majority of the total Members of the Council. Each Member of the Council, or their designee, is allowed one vote for purposes of approving any Council action.

(e) The co-chairs shall provide for the keeping of minutes of the proceedings of the Council and for the preservation of documentary records pertaining to the actions and proceedings of the Council.

(f) As provided for by NYS Public Officers Law § 103-a, upon adoption of a resolution by the Council providing for such, and in accordance with the written procedures of the Council contained herein, videoconferencing may be used by the Council to conduct its meetings for any meeting where a minimum number of members are present to fulfill the Council quorum requirement in one or more physical locations where the public is permitted to attend.

(g) Regarding the use of videoconferencing, absent a declared State or local disaster, Members of the Council shall be physically present at any location designated for in-person public attendance for Council meetings, unless a Member is unable to be physically present at any such meeting location due to extraordinary circumstances.

(1) Extraordinary circumstances shall include disability, illness, or other medical condition, caregiving responsibilities, military service, death of a relative, or other urgent or unexpected circumstances that prevents the Member's physical presence.

(2) An extraordinary circumstances notification shall be made to the co-chairs as soon as practicable prior to the meeting.

(3) The minutes of the meeting shall include which, if any, Member participated by videoconferencing from a private location due to such extraordinary circumstances, in addition to identifying all Members who participated at locations where the public was permitted to attend.

(4) A Member who is participating by videoconference from a private location due to extraordinary circumstances shall not count toward a quorum but may participate and vote if a quorum of Members is attending at physical locations where the public is permitted to attend.

(h) Except in the case of Executive Sessions, the Council shall ensure that Members can be heard, seen, and identified while the meeting is being conducted, including for motions, proposals, resolutions, and any other matter formally discussed or voted upon.

(i) Absent a declared State or local disaster, the public may attend meetings of the Council at the designated physical location or locations where a collective quorum of the Council is present. The physical location or locations will be conspicuously posted prior to each scheduled Council meeting in accordance with Article 7 of the NYS Public Officers Law.

(j) Consistent with NYS Public Officers Law § 103-a, Sections (f), (g), (h), and (i) of this Article VI are in effect until July 1, 2024, unless otherwise extended by statute.

Article VII. CONFLICTS OF INTEREST; GIFTS

(a) A “Conflict of Interest” occurs when a member of the Council, Advisory Group, or Workgroup allows their private interests, usually of a financial in nature, to influence the conduct of official duties and responsibilities as a participant in Council functions. This is a concern, whether a conflict actually exists or appears to exist. A Conflict of Interest is not deemed to arise merely by virtue of a member of the Council, an Advisory Group or Workgroup participating in activities or deliberations in the course of appointed duties and in so doing providing advice from the perspective of the organization or entity with which the member is affiliated.

(b) These Conflict of Interest provisions shall apply to all Council, Advisory Group, or Workgroup members, and such members shall be expected to comply with NYS Public Officers Law §§ 73 and 74.

(c) In the event any such member believes, or has a question with respect to whether, a Conflict of Interest exists, the member has a duty to disclose the potential Conflict of Interest to the co-chairs of the Council and seek guidance from the ethics officer of such member’s agency or authority. The co-chairs will work with the member to determine whether a Conflict of Interest does in fact exist, and if so, to mitigate or eliminate, most likely through a recusal from a particular Council action or activity.

(d) Council, Advisory Group, or Workgroup members shall not accept gifts or anything of value where it could reasonably be inferred that it is a gift intended to influence the member in the performance of their Council, Advisory Group, or Workgroup duties.

Article VIII. AMENDMENTS

These Bylaws may be amended by an affirmative vote of a majority of the Council.